



**Service of Process  
Transmittal**

05/08/2020

CT Log Number 537642358

**TO:** KIM LUNDY SERVICE OF PROCESS  
WALMART INC.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Texas**

**FOR:** Wal-Mart Stores Texas, LLC (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Crabtree Patsy, Pltf. vs. Wal-Mart Stores Texas, LLC, Dft.

**DOCUMENT(S) SERVED:** -

**COURT/AGENCY:** None Specified  
Case # 37343

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Process Server on 05/08/2020 at 14:37

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** CT has retained the current log, Retain Date: 05/08/2020, Expected Purge Date: 05/13/2020  
  
Image SOP  
  
Email Notification, KIM LUNDY SERVICE OF PROCESS ctlawsuits@walmartlegal.com

**SIGNED:** C T Corporation System  
**ADDRESS:** 1999 Bryan St Ste 900  
Dallas, TX 75201-3140

**For Questions:** 877-564-7529  
MajorAccountTeam2@wolterskluwer.com

EXHIBIT A



## PROCESS SERVER DELIVERY DETAILS

**Date:** Fri, May 8, 2020

**Server Name:** David Shepherd

**Location:** TX, TX-DAL

Entity Served	WAL-MART STORES TEXAS, LLC
Agent Name	C T CORPORATION SYSTEM
Case Number	37343
Jurisdiction	TX-DAL



CLERK OF THE COURT  
TAMMY BRAUNER  
100 E. MAIN, SUITE 304  
BRENHAM, TEXAS 77833



ATTORNEY FOR PLAINTIFF  
JOHN DASPIT  
440 LOUISIANA STREET, SUITE 1400  
HOUSTON, TEXAS 77002

RETURN TO  
DISTRICT CLERK

### CITATION

#### THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

WAL-MART STORES TEXAS, LLC, BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM, 1999 BRYAN STREET, STE. 900, DALLAS, TX 75201

Defendant: Greetings

You are hereby commanded to appear by filing a written answer to the PLAINTIFFS ORIGINAL PETITION AND FIRST SET OF DISCOVERY at or before ten o'clock A.M. of the Monday next following the expiration of twenty (20) days after the date of service of this citation before the Honorable 335th Judicial District Court of Washington County, Texas at the Courthouse of said County in Brenham, Texas. Said Petition was filed on the 17th day of March, 2020, in this case, numbered 37343 on the docket of said court, and styled,

PATSY CRABTREE, Plaintiff  
VS

WAL-MART STORES TEXAS, LLC, Defendant

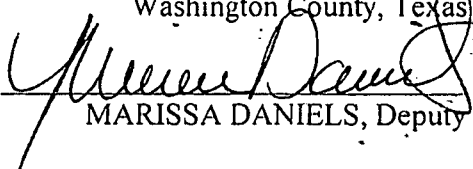
The nature of Plaintiff's demand is set out and shown by a true and correct copy of PLAINTIFFS ORIGINAL PETITION AND FIRST SET OF DISCOVERY, accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of the law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at office this the 18th day of March, 2020.

TAMMY BRAUNER  
District Clerk

Washington County, Texas

By   
MARISSA DANIELS, Deputy

**CLERK OF THE COURT  
TAMMY BRAUNER  
100 E. MAIN, SUITE 304  
BRENHAM, TEXAS 77833**



**ATTORNEY FOR PLAINTIFF  
JOHN DASPIT  
440 LOUISIANA STREET, SUITE 1400  
HOUSTON, TEXAS 77002**

### **CITATION**

#### **THE STATE OF TEXAS**

**NOTICE TO DEFENDANT:** You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

**WAL-MART STORES TEXAS, LLC, BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM, 1999 BRYAN STREET, STE. 900, DALLAS, TX 75201**

Defendant: Greetings

You are hereby commanded to appear by filing a written answer to the PLAINTIFFS ORIGINAL PETITION AND FIRST SET OF DISCOVERY at or before ten o'clock A.M. of the Monday next following the expiration of twenty (20) days after the date of service of this citation before the Honorable 335th Judicial District Court of Washington County, Texas at the Courthouse of said County in Brenham, Texas. Said Petition was filed on the 17th day of March, 2020, in this case, numbered 37343 on the docket of said court, and styled,

**PATSY CRABTREE, Plaintiff  
VS**

**WAL-MART STORES TEXAS, LLC, Defendant**

The nature of Plaintiff's demand is set out and shown by a true and correct copy of PLAINTIFFS ORIGINAL PETITION AND FIRST SET OF DISCOVERY, accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of the law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at office this the 18th day of March, 2020.

**TAMMY BRAUNER**

District Clerk

Washington County, Texas

By

  
MARISSA DANIELS, Deputy

**RETURN OF SERVICE**Cause No. 37343

Court \_\_\_\_\_

Style of Case \_\_\_\_\_

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CLERK OF COURT  
 STATE OF TEXAS

 \_\_\_\_\_, Officer  
 \_\_\_\_\_ County, Texas  
 By: \_\_\_\_\_ Deputy
**ADDRESS FOR SERVICE:** \_\_\_\_\_**OFFICER'S RETURN**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M. and executed in \_\_\_\_\_ County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the \_\_\_\_\_, at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being: \_\_\_\_\_

and the cause or failure to execute this process is: \_\_\_\_\_

and the information received as to the whereabouts of said defendant(s) being: \_\_\_\_\_

FEE:

Serving Petition and Copy \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

 \_\_\_\_\_, Officer  
 \_\_\_\_\_ County, Texas  
 By \_\_\_\_\_ Deputy  
 \_\_\_\_\_ Affiant
**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE OR CLERK OF THE COURT**

In accordance with Rule 107: The office or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
 (First, Middle, Last)

\_\_\_\_\_  
 (Street, City, Zip)

I DECLARE UNDER PENALTY OR PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.

Declarant/Authorized Process Server

(Id # &amp; expiration of certification)

CAUSE NO. 37343

PATSY CRABTREE	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	WASHINGTON COUNTY, TEXAS
	§	
WAL-MART STORES TEXAS, LLC	§	
	§	
<i>Defendant.</i>	§	<u>335TH</u> JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND FIRST SET OF DISCOVERY**

Plaintiff, Patsy Crabtree, (hereinafter, "Plaintiff"), complains of Defendant, Wal-Mart Stores Texas, LLC, (hereinafter, "Defendant"), and would respectfully show the Court that:

**Discovery Control Plan**

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

**Jurisdiction and Venue**

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Washington County, Texas.

**Statement Regarding Monetary Relief Sought**

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief of no more than \$100,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorneys' fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff further pleads that the amount in controversy in this matter does not exceed \$75,000.00.

**Parties**

4. Plaintiff is an individual residing in Burleson County, Texas.

Filed 3/17/2020 5:22 PM  
Tammy Brauner, District Clerk  
Washington County, TX  
By: Marissa Daniels, Deputy

5. Defendant, Wal-Mart Stores Texas, LLC, Texas (hereinafter "Defendant"), is a Delaware corporation engaged in business in Brazoria County, Texas. Defendant may be served with process by serving its registered agent, CT Corporation System, at 1999 Bryan St., Suite 900, Dallas, Texas 75201.

**Facts**

6. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about February 21, 2020. At that time, Plaintiff was an invitee at Defendant's store at 203 US Loop, Hwy 290 E, Brenham, Texas 77833. Plaintiff was walking through the Defendant's store, while pushing her husband in a handicap cart. As Plaintiff was walking towards the exit, she tripped over a broken tile and fell. The trip and fall caused the Plaintiff to suffer severe injuries to her right hip, left hip, left foot, left leg, and other parts of her body. Additionally, the fall caused the Plaintiff to break her hip. There were no warning signs present or any other signs of caution near the area where the incident occurred. Plaintiff was not aware of the dangerous and defective condition.

7. At the time of the incident in question, Plaintiff was an invitee of the Defendant. Defendant knew or should have known of the unreasonably dangerous condition and neither corrected nor warned Plaintiff of it. Plaintiff did not have any knowledge of the dangerous condition and could not have reasonably been expected to discover it. Defendant either created the condition and/or failed to correct the condition or to warn Plaintiff about the dangerous condition, which constituted negligence, and such negligence was a proximate cause of the occurrence in question and Plaintiff's resulting injuries.

8. Plaintiff would show that, based on the above-described facts, Defendant was negligent. Defendant, as occupier and owner of the premises, with control over the premises, had a duty to

inform Plaintiff of the dangerous condition and make safe the defective condition existing on Defendant's premises.

9. Defendant is liable to Plaintiff under the theory of premises liability and negligence based on the following negligent conduct:

- a. Failure to maintain the premises, including floor and walkways, in a reasonably safe condition;
- b. Failure to inspect the premises where the dangerous condition existed;
- c. Failure to correct the condition by taking reasonable measure to safeguard persons who entered the premises;
- d. Failure to inform Plaintiff of the dangerous condition existing on the premises; and
- e. Other acts deemed negligent.

10. Each of the foregoing negligent acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages that are described below.

11. Defendant was also negligent in that it failed to act as a reasonably prudent premise owner would act in the same or similar situation.

#### **Damages**

12. As a result of these acts or omissions, Plaintiff sustained damages recognizable by law.

13. By virtue of the actions and conduct of Defendant as set forth above, Plaintiff was seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement; and
- e. Past lost wages and future loss of earning capacity.



14. By reason of the above, Plaintiff is entitled to recover damages from Defendant in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

**Request for Disclosures**

15. Pursuant to Rule 194, Tex. R. Civ. P., Plaintiff requests that Defendant discloses, within fifty days of this request, the information or materials described in Texas Rule of Civil Procedure 194.2(a)-(l).

**Other Discovery**

16. Plaintiff refers you to the attached Requests for Admissions, Interrogatories and Requests for Production, and notifies you that a response is required within 50 days of service of these requests.

**Rule 193.7 Notice**

17. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

**Prayer**

Plaintiff prays that this citation issues and be served upon Defendant in a form and manner prescribed by law, requiring that Defendant appears and answers, and that upon final hearing, Plaintiff has judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre and post-judgment interest, all costs of Court, and all such other and further relief, to which she may be justly entitled.

*[Signature block on next page]*

Respectfully submitted,

**DASPIT LAW FIRM, PLLC**

/s/ Clement Wehner

Clement Wehner

Texas State Bar No. 24106560

440 Louisiana Street, Suite 1400

Houston, Texas 77002

Telephone: (713) 322-4878

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

**ATTORNEY FOR PLAINTIFF**